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EXAMINER	
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/995,266	BAUCHOT, FREDERIC	
	Examiner	Art Unit	
	Rachna Singh	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 7-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 7-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendments and Remarks filed on 02/28/07.

2. Claims 1-2 and 7-24 are pending in the application. Claim 9 has been amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-2 and 7-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Flaherty, John, "Selected Excel Basics, Excel Tips for Efficient Spreadsheet Use", Available: http://www.bf.rmit.edu.au/quant/Excel/Excel_Tips.pdf., Available in 1999 (as further evidenced by screen shots provided from Microsoft Excel, Copyright 1985-1999).

In reference to claims 1, 13, and 14, Flaherty/Excel teaches a means for filling in empty cells in a range of cells within a spreadsheet. See page 2 of Flaherty and page3

of EXCEL screenshots demonstrating the same. Flaherty/EXCEL discloses the following:

-Selecting a range of cells wherein some of the cells comprise empty cells and cells containing a value such as the month, day of the week, or number. See Flaherty page 2, "Using the Fill Handle" and figures on pages 2-3. See also EXCEL screenshots on pages 3-5 demonstrating the same.(The cells comprise a sample cell filled with values (see Flaherty page 3, first figure and the corresponding EXCEL screenshot on page 4) and empty cells contain no value (see Flaherty page 3, second figure and the corresponding EXCEL screenshot on page 5) Compare to ***"selecting the range of cells, said range comprising a plurality of sample cells*** (i.e. Flaherty B2 in figure 2 on page 2 and the corresponding EXCEL screenshot on page 3) ***and one or a plurality of empty cells*** (i.e. Flaherty B3 in figure 2 on page 2 and the corresponding EXCEL screenshot on page 3)***, wherein prior to said selecting each sample cell contains a sample value, and an empty cell contains no value or a value not considered as a sample value; the content y_i of each sample cell and each empty cell being associated with a particular value x_i of a variable x;"*** See EXCEL screenshots depicting the same on page 3 which depicts a range of cells comprising sample cells and one or more of a plurality of empty cells wherein the sample cell has a sample value and the empty cell has no value.

-Entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified. Compare to ***"selecting on or a plurality of previous sample cells with respect to the empty cell; selecting one or a plurality of next sample cells with respect to the empty cells."*** See EXCEL screenshots depicted the same on page 3 which depicts a range of cells comprising sample cells and one or more of a plurality of empty cells wherein the sample cell has a sample value and the empty cell has no value.

-The series dialogue box allows a user to indicate the linear series and fills out the empty cells according to the start and stop values. See Flaherty, pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. Compare to ***"after said selecting, ordering the sample cells and empty cells according to the values x_i associated with the content of said cells; after said ordering, processing the empty cells comprising, for each empty cell, the steps of: identifying the value x_i associated with the content of the empty cell; computing the value y_i of the empty cell according to the values $y_{previous}$ contained in the selected one or plurality of previous sample cells, and the values y_{next} contained in the selected***

one or plurality of next sample cells; filling the empty cell with said computed value y_i."

In reference to claim 2, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

In reference to claim 7, Flaherty teaches the range of cells comprise a value associated with the content of a sample cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 8, Flaherty teaches the value of y_i is calculated by determining the pattern in the range of cells. This entails determining content of a previous/start cell and next/stop cell and the value associated with the content in order to determine the value of the empty cell. For example, content and value of a previous/start cell and a next/stop cell are used to calculate what goes into an empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 9, Conlon discloses a means in which a selected range of cells comprises a single column and row of cells. See Flaherty figures on pages 1-2 and the corresponding EXCEL screenshot on page 3. Each cell comprises a value.

In reference to claim 10, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See Flaherty page 2 and the corresponding EXCEL screenshot on page 3. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. Compare to ***"an index field for identifying said empty cell; a sample field for indicating that said cell is a sample cell; a X_i field with the value x_i associated with said empty cell; an index of the previous sample field with the value of the index filed of a previous record having a sample value"*** In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the ***empty cells*** in between the start value and stop value are specified. Compare to ***"a $X_{prev.samplefield}$ with the value of the X_i field of a previous record having a sample ; the "f($X_{prev.sample}$) field" with the value y=f(x) of said sample cell; an "index of the next sample field" with a value of the "index filed" of the next record having a sample value; the $X_{nextsamplefield}$ with the value of the X_i field of a next record***

having a sample value; the "f($X_{nextsample}$) field" with the value y=f(x) of a cell in the range corresponding to a next record having a sample value;

In reference to claim 11, Flaherty teaches a table with a range of cells wherein some of the cells are empty. See page 2 and the corresponding EXCEL screenshot on pages 3. Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. Compare to ***"an index field for identifying the sample cell; a sample field for indicating that said cell is a sample cell; a X_i field with the value x_i associated with said sample cell; the inext of the previous sample field with the value of the index filed of the sample cell"*** In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the ***empty cells*** in between the start value and stop value are specified. Compare to ***"a $X_{prev.samplefield}$ with the value of the X_i field of said sample cell; the "f($X_{prev.sample}$) field" with the value y=f(x) of said sample cell; the "index of the next sample field" with the value of the "index filed" of said sample cell; the $X_{nextsamplefield}$ with the value of the X_i field of said sample cell; the "f($X_{nextsample}$) field" with the value y=f(x) of said sample cell;***

In reference to claim 12, Flaherty teaches a table comprising N records. See Flaherty figures on page 2, 3, and 4 and the corresponding EXCEL screenshot on pages 3-9.

In reference to claim 15, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 16, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 17, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 18, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 19, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 20, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell.

See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 21, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 22, Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9.

In reference to claim 23, Flaherty teaches custom formatting of cells where a user can indicate a range of cells and font, border, pattern, and background information. See Flaherty page 12 and the corresponding EXCEL screenshot on page 12.

In reference to claim 24, Flaherty teaches entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See Flaherty pages 4-5, "Entering a Data Series" and the corresponding EXCEL screenshot on pages 6-9. In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified.

Response to Arguments

6. Applicant's arguments filed 02/28/07 have been fully considered.

On pages 10-12 of the Remarks, Applicant argues there is an incorrect ground of rejection based on the Flaherty in view of the Excel Screen Shots. Specifically, Applicant argues Flaherty has no publication date. In a telephone interview on August 16, 2006, Examiner indicated she would provide evidence that the features disclosed in Flaherty were implemented in Microsoft Excel Copyrighted in 1999. As evidence of this fact, the Examiner has provided screen shots from Microsoft Excel 2000, having a copyright date from 1985-1999. The screen shots illustrate the various claimed features discussed in the Flaherty reference. For example, Flaherty teaches a means for filling in empty cells in a range of cells within a spreadsheet. See page 2. Flaherty discloses: Selecting a range of cells wherein some of the cells comprise empty cells and cells containing a value such as the month, day of the week, or number. See page 2, "Using the Fill Handle" and figures on pages 2-3. The supplied screen shots illustrate this

feature was available in 1999. Similarly, Flaherty discloses entering a data series with specific start and stop values entered for a data series. For example cell A2 may contain a start value of 10 and a stop value of 90 is indicated with a step value of 5. See pages 4-5, "Entering a Data Series". In indicating a start and stop value in a series of cells, the "previous sample cell" and "next sample cell" of the empty cells in between the start value and stop value are specified. The data series feature is also illustrated in the Excel screen shots available in 1999.

Applicant argues that Flaherty cannot be used even if evidenced by screen shots and the use of Flaherty is not proper.

Applicant argues the Examiner's analysis does not demonstrate the features in the 1999 version of EXCEL and there is no connection. Examiner has provided various screen shots of Microsoft Excel (copyright in 1999) to prove that the features disclosed in Flaherty reference were disclosed in 1999 as well as outlined these features above. Each of the screenshots provided in the last office action correlate to the figures in the Flaherty reference. For example:

-The second figure on page 2 of Flaherty corresponds to the figure on page 3 of the screenshots.

-The first figure on page 3 of Flaherty corresponds to the figure on page 4 of the screenshots.

-The second figure on page 3 of Flaherty corresponds to the figure on page 5 of the screenshots.

-The second figure on page 4 of Flaherty corresponds to the figure on page 6 of the screenshots.

-The first figure on page 5 of Flaherty corresponds to the figure on page 7-9 of the screenshots.

-The third figure on page 5 of Flaherty corresponds to the figure on page 10 of the screenshots.

-The last figure on page 11 of Flaherty corresponds to the figure on page 11 of the screenshots.

-The second figure on page 12 of Flaherty corresponds to the figure on page 12 of the screenshots

On pages 12-13, Applicant argues there is no publically available source for the screenshots. Microsoft Excel 2000, copyright date 1985-1999 was available to the public during those dates. Examiner has also provided the screen shots of Microsoft Excel as a reference or NPL literature in the last office action. MPEP 2131.01 discussed multiple reference 35 U.S.C. 102 Rejections where multiple references can be used to prove the primary reference contains an enabled disclosure. Specifically, when a claimed machine is disclosed identically by the reference, an additional reference may be relied upon to show that the primary reference has an "enabled disclosure". Also, an extra reference or evidence can be used to show an inherent characteristic of the thing taught by the primary reference. Such is the case here. The Microsoft Excel 2000 screen shots are evidence that the teachings of the primary reference were an inherent characteristic of the spreadsheet.

On page 14, Applicant states that they will disregard the Examiner's referral to the screenshots as only one reference can be used to anticipate a claim. This is not accurate as the MPEP 2131.01 discusses multiple reference 35 U.S.C. 102 Rejections where multiple references can be used to prove the primary reference contains an enabled disclosure. Specifically, when a claimed machine is disclosed identically by the reference, an additional reference may be relied upon to show that the primary reference has an "enabled disclosure". Also, an extra reference or evidence can be used to show an inherent characteristic of the thing taught by the primary reference. Such is the case here. The Microsoft Excel 2000 screen shots are evidence that the teachings of the primary reference were an inherent characteristic of the spreadsheet.

On pages 15-16, Applicant argues Flaherty does not teach "selecting the range of cells, said range comprising a plurality of sample cells and one or a plurality of empty cells, wherein prior to selecting each sample cell contains a sample value. . .; after said selecting, ordering the sample cells. . .; and after said ordering, processing the empty cells comprising. . .computing the value y_i of the empty cell according to the values $y_{previous}$ contained in the selected one or plurality of previous sample cells, and the values y_{next} contained in the selected one or plurality of next sample cells. Specifically, Applicant argues Flaherty does not teach the start value of 10 and a stop value of 90 are placed in the cells of the spreadsheet prior to selecting the range of cells, as required by claim 1. It is noted that claim 1 does not recite, *the start value of 10 and a stop value of 90 are placed in the cells of the spreadsheet prior to selecting the range of cells*. Applicant further argues that Flaherty does not teach the features of claim 1

because it allows a user to enter a start value, a step value, and a stop value, but this is done within a dialog box and not by cells of the spreadsheet. Examiner disagrees with Applicant's assertions. As an initial point, there does not appear to be a limitation excluding the dialog box as being the means by which the cells are filled. The dialog box represents the spreadsheet cells. In other words, the claim does not necessarily require that the values be generated from within the cells of the spreadsheet but rather that the values be generated and processed for empty cells which is what the dialog box does. Using the dialog box, the cells A2-A17 can be filled in with values based on previous cell value and next cell value as depicted in the EXCEL screenshots on pages 8-9 and also in Flaherty on page 5.

On pages 17-24, Applicant argues Flaherty does not teach the features claimed in claims 2, 7, 8, 9, 10, 11, 22, 23, and 24. Applicant merely states the claim features are not taught by the cited portions of Flaherty without explaining why those portions do not teach what the Examiner purports it teaches.

On pages 21-22, Applicant argues, Flaherty does not teach "automatically again performing" the features of claim 15. Examiner respectfully disagrees. Flaherty teaches a user can initiate a data series by entering a start value and an end value for a range of cells with a specified step value. By initiating the series dialogue box, a user may change the sample values or step values (i.e. start and stop values) thereby adding or deleting a sample cell or empty cell. See Flaherty pages 4-5, "Entering a Data Series".

In view of the comments above, the rejection is maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RS
05/02/07

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